

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

Document #

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Daniel Quinones,  
Petitioner

-v-

N.Y. State Division of Parole  
Respondent

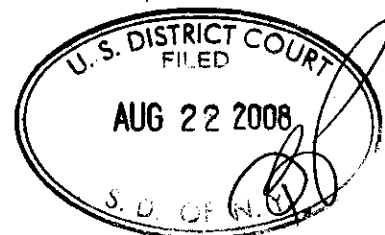
USCA NO. 08-3825-P2

SDNY NO. 07-cv 8633

JUDGE: LEONARD B. SAND

DATE: 8/22/08

INDEX TO THE RECORD ON APPEAL



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DISTRICT COURT DOCKET ENTRIES

DOCUMENTS

DOC#

Clerk's Certificate

See Attached List of Numbered Documents

Only Circled Documents Included

(☒) Original Record

(☐) Supplemental Record

The record in the above entitled case was indexed to the U.S.C.A.  
for the Second Circuit on the \_\_\_\_\_ Day of \_\_\_\_\_, 2008.



APPEAL, CLOSED, HABEAS

**U.S. District Court**  
**United States District Court for the Southern District of New York (Foley Square)**  
**CIVIL DOCKET FOR CASE #: 1:07-cv-08633-LBS**  
**Internal Use Only**

Quinones v. New York State Division of Parole  
Assigned to: Judge Leonard B. Sand  
Cause: 28:2254 Ptn for Writ of H/C - Stay of Execution

Date Filed: 10/05/2007  
Date Terminated: 06/06/2008  
Jury Demand: None  
Nature of Suit: 530 Habeas Corpus (General)  
Jurisdiction: Federal Question

Date Filed	#	Docket Text
10/05/2007	<u>1</u>	ENDORSEMENT on Declaration in Support of Request to Proceed In Forma Pauperis, I.F.P. REQUEST IS GRANTED. (Signed by Part I Judge Victor Marrero on 10/5/2007) (mbe) (Entered: 10/10/2007)
10/05/2007	<u>2</u>	PETITION FOR WRIT OF HABEAS CORPUS pursuant to 28 U.S.C. 2254. Document filed by Daniel Quinones.(mbe) (Entered: 10/10/2007)
10/05/2007		Magistrate Judge Michael H. Dolinger is so designated. (mbe) (Entered: 10/10/2007)
10/05/2007	<u>3</u>	MEMORANDUM OF LAW in Support re: 2 Petition for Writ of Habeas Corpus. With Appendix to Petition under 28 U.S.C. section 2254 for the Writ of Habeas Corpus. Document filed by Daniel Quinones. (mbe) (Entered: 10/10/2007)
10/30/2007	<u>4</u>	ORDER Daniel Quinones has petitioned this Court for a writ of habeas corpus pursuant to 28 U.S.C. 2254. In accordance with Rule 4 of the Rules Governing Section 2254 Case in the United States District Courts, 28 U.S.C. following 2254, I have considered the petition preliminarily and have concluded that it raises issues that require a response. I therefore direct that Respondent file Answer within 40 days of the date of this Order. I hereby direct the Clerk's Office to serve a copy of this Order and the underlying petition on Andrew Cuomo the Attorney General for State of New York. Petitioner is hereby granted 14 days from the date on which he served with Respondent's Answer to file a response. The petition will be considered fully submitted as of that date. SO ORDERED. (Signed by Judge Leonard B. Sand on 10/29/2007) (jmi) (Entered: 11/01/2007)
12/18/2007	<u>5</u>	ENDORSED LETTER addressed to Judge Leonard B. Sand from Frederick Wen dated 12/14/07 re: counsel for defendant requests a 90 day extension of time until 3/11/08 to respond to the petition. ENDORSEMENT: Application granted. So Ordered. (Signed by Judge Leonard B. Sand on 12/17/07) (dle) (Entered: 12/19/2007)
02/11/2008	<u>6</u>	ENDORSED LETTER addressed to Judge Leonard B. Sand from Jan Hoth dated 2/7/08 re: Counsel for Petitioner requests four weeks, until April 8, 2008 to file my reply papers. ENDORSEMENT: GRANTED on consent. So Ordered. (Signed by Judge Leonard B. Sand on 2/11/08) Copies Mailed By Chambers.(js) (Entered: 02/11/2008)
03/11/2008	<u>7</u>	MEMORANDUM OF LAW in Opposition re: 2 Petition for Writ of Habeas Corpus. Document filed by New York State Division of Parole. (pl) (Entered: 03/12/2008)
03/11/2008	<u>8</u>	DECLARATION of Federerick H. Wen in Opposition re: 2 Petition for Writ of Habeas Corpus. Document filed by New York State Division of Parole. (pl) (Entered: 03/12/2008)
03/11/2008	<u>9</u>	STATE COURT SENTENCING TRANSCRIPT(Vol 1. of 1) of proceedings in the Supreme Court, County of New York, Case Number 5088/01, held on Oct. 21,22, 1991, before Judge Bruce Allen. (pl) Modified on 3/12/2008 (pl). (Entered: 03/12/2008)
03/11/2008	<u>10</u>	STATE COURT RE-SENTENCING TRANSCRIPT(Vol 1. of 1) of proceedings in the Supreme Court, County of New York, Case Number 5088/01, held on 4/29/05 before Judge Bruce Allen.(pl) (Entered: 03/12/2008)
03/11/2008	<u>11</u>	STATE COURT TRANSCRIPT of proceedings in the Supreme Court, County of New York, Case Number 5088/91, held on 10/29/91 before Judge Stephen G. Crane.(pl) (Entered: 03/12/2008)
03/13/2008	<u>12</u>	NOTICE OF APPEARANCE by Frederick Hongyee Wen on behalf of New York State Division of Parole (cd) (Entered: 03/14/2008)
04/07/2008	<u>13</u>	REPLY MEMORANDUM OF LAW in Support re: 2 Petition for Writ of Habeas Corpus. Document filed by Daniel Quinones. (jmi) (Entered: 04/08/2008)
06/02/2008	<u>14</u>	MEMORANDUM AND ORDER: For the following reasons, Daniel Quiones' petition for writ of habeas corpus pursuant to 28 U.S.C. 2254 based on ineffective assistance of counsel and lost voir dire minutes is denied. (Signed by Judge Leonard B. Sand on 6/2/2008) (jpo) (Entered: 06/02/2008)
06/05/2008		Transmission to Judgments and Orders Clerk. Transmitted re: 14 Order, to the Judgments and Orders Clerk. (jpo) (Entered: 06/05/2008)
06/06/2008	<u>15</u>	CLERK'S JUDGMENT That for the reasons stated in the Court's Memorandum and Order dated June 2, 2008, the petition for a writ of habeas corpus is denied. (Signed by J. Michael McMahon, clerk on 6/6/08) (Attachments: # 1 notice of right to appeal)(ml) (Entered: 06/06/2008)
06/06/2008		Mailed notice of Right to Appeal to Attorney(s) of Record: Robert S. Dean, Frederick Hongyee Wen. (ama) (Entered: 06/09/2008)
06/16/2008	<u>16</u>	MOTION for Certificate of Appealability on both issues raised in the petition. purs to FRCP 59(e) MOTION for Reconsideration of petitioners habeas corpus petition purs to 60(b)(6). Attached is Affirmation in Support. Document filed by Daniel Quinones.(djc) Modified on 6/17/2008 (djc). (Entered: 06/17/2008)
07/15/2008	<u>17</u>	RESPONSE in opposition re: 16 MOTION for Certificate of Appealability. MOTION for Reconsideration.. Document filed by New York State Division of Parole. (pl) (Entered: 07/15/2008)
07/22/2008	<u>18</u>	ORDER denying 16 Motion for Certificate of Appealability. Because plaintiff has not made a substantial showing of the denial of a constitutional right, see 28 U.S.C. 2253(c)(2), a certificate of appealability will issue. Plaintiff's motion is DENIED. SO ORDERED. (Signed by Judge Leonard B. Sand on 7/22/2008) (tve) (Entered: 07/22/2008)

07/30/2008	19	NOTICE OF APPEAL from 14 Memorandum and Order, 18 Order on Motion for Certificate of Appealability, Order on Motion for Reconsideration. Document filed by Daniel Quinones. Copies of Notice of Appeal mailed to attorney(s) of record: New York State Attorney General. (nd) (Entered: 07/30/2008)
07/30/2008		Transmission of Notice of Appeal to the District Judge re: 19 Notice of Appeal. (nd) (Entered: 07/30/2008)
07/30/2008		Transmission of Notice of Appeal and Certified Copy of Docket Sheet to US Court of Appeals re: 19 Notice of Appeal. (nd) (Entered: 07/30/2008)
07/30/2008		Appeal Remark as to 19 Notice of Appeal, filed by Daniel Quinones. Request to Proceed In Forma Pauperis is granted on 10/5/2007. (nd) (Entered: 07/30/2008)